

AMENDED IN SENATE APRIL 29, 2004

**SENATE BILL**

**No. 1798**

**Introduced by Senators Torlakson, Escutia, and Ortiz**  
(Coauthor: Assembly Member Jackson)

February 20, 2004

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An act to amend Sections 44277 and 51222 of, and to add Sections 33031.5, 54760.2, and 60422.2 Section 54760.2 to, the Education Code, relating to physical education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1798, as amended, Torlakson. Physical education.

(1) ~~Existing law requires the State Board of Education to adopt rules and regulations for the government of the schools of the state.~~

~~This bill would require the board to require teachers of physical education and health education to meet the same requirements that teachers of the core academic subject are required to meet to be highly qualified teachers as that term is defined for purposes of the federal No Child Left Behind Act of 2001.~~

(2) ~~Existing law requires a teacher to complete, every 5 years, an individual program of professional growth in order to maintain the validity of a teaching credential. Existing law requires a program of professional growth to consist of a minimum of 150 clock hours of participation in activities that are aligned with the California Standards for the Teaching Profession that contribute to competence, performance, or effectiveness in the profession of education and the teacher's classroom assignments. Existing law requires the holder of the credential to submit to the Commission on Teacher Credentialing verification by a school principal, a mentor teacher, or other district designee that the holder has satisfied the professional growth~~

requirement. Under existing law, the arbitrary refusal of a school principal, a mentor teacher, or other district designee to verify completion of an individual program of professional growth meeting the requirements of this section and commission regulations is grounds for an appeal to the commission of that refusal.

This bill would require ~~the holder of a multiple subjects teaching credential to complete at least 15% of the clock hours of professional growth in activities related to the instruction of physical education and~~ the holder of a single subject teaching credential that authorizes the holder to teach physical education to complete at least 50% of those hours in activities related to physical education curriculum development, instruction, and pupil assessment *or to complete at least 25% of those hours in these activities if the holder also teaches one or more other subjects*. By requiring school districts to verify compliance with this new requirement, the bill would impose a state-mandated local program.

~~(3)–~~

(2) Existing law requires a pupil in grades 7 to 12, inclusive, to attend physical education courses for no less than 400 minutes each 10 schooldays, but permits a pupil in grade 10, 11, or 12 to be excused from a portion of that requirement in order to participate in automobile driver training.

This bill would delete the provision that permits a pupil to be excused from physical education courses in order to participate in automobile driver training.

~~(4)–~~

(3) Existing law ~~establishes~~ *authorizes* supplemental grant funds to be allocated to school districts that receive less than average funding from existing state programs. Existing law requires these grant funds to be expended only for the purpose of funding certain specified programs.

~~Existing law establishes the Instructional Materials Funding Realignment Program under which a school district is apportioned funds to ensure that each pupil is provided with a standards-aligned textbook or basic instructional materials. Existing law provides that once the governing board of a school district certifies compliance with this provision with regard to standards-aligned instructional materials in the core curriculum areas of reading/language arts, mathematics, science, and history/social sciences and the board meets certain~~



~~eligibility requirements, it may use remaining funds for certain other specified purposes.~~

This bill would authorize a school district to use supplemental grant funds ~~and Instructional Materials Funding Realignment Program funds~~ to purchase equipment and materials necessary to implement quality physical education and physical fitness programs that are part of the course of study during the regular schoolday.

~~(5)–~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares as follows:

2 (a) California is in the midst of an obesity epidemic that can be  
3 controlled and reversed through improved physical activity,  
4 nutrition, and health education.

5 (b) The cost of physical inactivity, obesity, related health  
6 effects, and chronic diseases for medical care, lost employee  
7 productivity, and workers compensation are estimated to be  
8 twenty-four billion six hundred million dollars (\$24,600,000,000)  
9 annually.

10 (c) Unfit children tend to become unfit adults who have  
11 significantly increased risk factors for diabetes, heart disease, and  
12 stroke.

13 (d) The Surgeon General of the United States has called for a  
14 “cultural transformation” to respond to the obesity epidemic and  
15 recommended in “Objectives for the Nation 2010” that physical  
16 education programs be expanded.

(e) Quality physical education instruction helps to improve the overall health of children and their mental awareness, self-esteem, and academic achievement.

(f) Current law requires physical education to be offered to all pupils.

(g) Four years of data shows that 75 percent of pupils are not fit based on the state adopted physical fitness test.

~~SEC. 2. Section 33031.5 is added to the Education Code, to read:~~

~~33031.5. The board shall require teachers of physical education and health education to meet the same requirements that teachers of the core academic areas are required to meet to be highly qualified teachers as that term is defined by the state for purposes of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).~~

~~SEC. 3.—~~

*SEC. 2.* Section 44277 of the Education Code is amended to read:

44277. The Legislature recognizes that effective professional growth must continue to occur throughout the careers of all teachers, in order that teachers remain informed of changes in pedagogy, subject matter, and pupil needs. In enacting this section, it is the intent of the Legislature to establish professional growth requirements that give individual teachers a wide range of options to pursue as well as significant roles in determining the course of their professional growth.

(a) The minimum requirements for maintaining the validity of the clear multiple or single subject teaching credential pursuant to Section 44251 shall be both of the following:

(1) Successful service as a classroom teacher or successful service authorized by a services credential. The minimum length of service shall be equivalent to one-half of a school year.

(2) Completion of an individual program of professional growth as prescribed in this section and by the commission.

(b) (1) An individual program of professional growth shall consist of a minimum of 150 clock hours of participation in activities that are aligned with the California Standards for the Teaching Profession that contribute to competence, performance, or effectiveness in the profession of education and the teacher's classroom assignments.

(2) Acceptable activities shall be defined by the commission to include, among other acceptable activities, the completion of courses offered by regionally accredited colleges and universities, including instructor-led interactive courses delivered through online technologies; participation in professional conferences, workshops, teacher center programs, staff development programs, or a California Reading Professional Development Program operated pursuant to Article 2 (commencing with Section 99220) of Chapter 5 of Part 65; service as a mentor teacher pursuant to Section 44496; participation in school curriculum development projects; participation in systematic programs of observation and analysis of teaching; service in a leadership role in a professional organization; and participation in educational research or innovation efforts.

~~(3) Commencing on January 1, 2008, at least 15 percent of the clock hours of professional growth activities completed by a holder of a multiple subjects teaching credential for purposes of complying with this section shall be in activities related to the instruction of physical education.~~

~~(4)~~

(3) Commencing on January 1, 2008, at least 50 percent of the clock hours of professional growth activities completed by a holder of a single subject teaching credential with authorization to teach physical education for purposes of complying with this section shall be activities related to physical education curriculum development, physical education instruction, or the assessment of pupil learning in physical education.

*(4) Commencing January 1, 2008, if the holder of a single subject credential with authorization to teach physical education also teaches one or more other subjects, at least 25 percent of the clock hours of professional growth activities completed by the holder for purposes of complying with this section shall be activities related to physical education curriculum development, physical education instruction, or the assessment of pupil learning in physical education.*

(5) Employing agencies and employees' bargaining agents may negotiate to agree on the terms of programs of professional growth within their jurisdictions, provided that the agreements shall be consistent with this section.

1 (c) An individual program of professional growth shall be  
2 developed and planned by the holder of a clear teaching credential.

3 (d) An individual program of professional growth may include  
4 a basic course in cardiopulmonary resuscitation, which includes  
5 training in the subdiaphragmatic abdominal thrust (also known as  
6 the “Heimlich maneuver”) and meets or exceeds the standards  
7 established by the American Heart Association or the American  
8 Red Cross for courses in that subject or minimum standards for  
9 training programs established by the Emergency Medical Services  
10 Authority. Effective January 1, 2001, an individual program of  
11 professional growth may also include a course in first aid that  
12 meets or exceeds the standards established by the American Red  
13 Cross for courses in that subject or minimum standards for training  
14 programs established by the Emergency Medical Services  
15 Authority. A teacher’s participation in these training options shall  
16 count towards the minimum 150 clock hours required to satisfy the  
17 professional growth requirements.

18 (e) Before a holder of a clear teaching credential commences  
19 or amends an individual program of professional growth, a school  
20 principal, a mentor teacher provided for in Section 44496, or other  
21 district designee shall certify to the credential holder that the  
22 planned program or amendment complies with this section and  
23 with regulations of the commission.

24 (f) A clear teaching credential shall be deemed to remain valid  
25 so long as the holder of the credential, at five-year intervals,  
26 submits to the commission verification by a school principal, a  
27 mentor teacher, or other district designee that the holder has  
28 satisfied the minimum requirements specified in subdivision (a).  
29 In the absence of adequate verification, the commission shall  
30 invalidate the credential. Verification by a school principal, a  
31 mentor teacher, or other district designee shall be independent of  
32 any evaluation of the performance of the holder of the clear  
33 teaching credential that is conducted for the purpose of  
34 determining the credential holder’s employment status. The  
35 arbitrary refusal of a school principal, a mentor teacher, or other  
36 district designee to verify completion of an individual program of  
37 professional growth meeting the requirements of this section and  
38 commission regulations shall constitute grounds for an appeal as  
39 prescribed in Section 44278.

40 ~~SEC. 4.—~~

1     *SEC. 3.* Section 51222 of the Education Code is amended to  
2 read:

3     51222. (a) A pupil, except one excused or exempted pursuant  
4 to Section 51241, is required to attend physical education courses  
5 for no less than 400 minutes each 10 schooldays.

6     (b) The governing board of each school district that maintains  
7 a high school and that elects to exempt a pupil from required  
8 attendance in physical education courses pursuant to subdivision  
9 (b) of Section 51241 shall offer that pupil a variety of elective  
10 physical education courses for no less than 400 minutes each 10  
11 schooldays.

12     ~~*SEC. 5.*~~

13     *SEC. 4.* Section 54760.2 is added to the Education Code, to  
14 read:

15     54760.2. Notwithstanding any other provision of law, a  
16 school district may expend supplemental grant funds apportioned  
17 under this article to purchase equipment and materials necessary  
18 to implement quality physical education and physical fitness  
19 programs that are part of the course of study during the regular  
20 schoolday.

21     ~~*SEC. 6.* Section 60422.2 is added to the Education Code, to~~  
22 ~~read:~~

23     ~~60422.2. Notwithstanding any other provision of law, a~~  
24 ~~school district may expend funds apportioned under this chapter~~  
25 ~~to purchase equipment and materials necessary to implement~~  
26 ~~quality physical education and physical fitness programs that are~~  
27 ~~part of the course of study during the regular schoolday.~~

28     ~~*SEC. 7.*~~

29     *SEC. 5.* Notwithstanding Section 17610 of the Government  
30 Code, if the Commission on State Mandates determines that this  
31 act contains costs mandated by the state, reimbursement to local  
32 agencies and school districts for those costs shall be made pursuant  
33 to Part 7 (commencing with Section 17500) of Division 4 of Title  
34 2 of the Government Code. If the statewide cost of the claim for  
35 reimbursement does not exceed one million dollars (\$1,000,000),  
36 reimbursement shall be made from the State Mandates Claims  
37 Fund.